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6
7 OFELIA MENDEZ, on behalf of
8 herself and of all others similarly
9 situated,

10 Plaintiff,

11 v.

12 ABM ONSITE SERVICES—WEST,
13 INC., a Delaware Corporation, and
14 DOES 1-50, inclusive,

15 Defendants.

16 Case No. 8:17-cv-00939-CJC-DFM

17 **ORDER TO DISMISS WITH
18 PREJUDICE AS TO PLAINTIFF'S
19 INDIVIDUAL CLAIMS, AND
20 WITHOUT PREJUDICE AS TO
21 NON-CERTIFIED CLASS CLAIMS,
22 PURSUANT TO FEDERAL RULE
23 OF CIVIL PROCEDURE
24 41(a)(1)(A)(ii)**

25 **[Joint Stipulation Requesting
26 Dismissal Filed And Submitted Under
27 Separate Cover Concurrently
28 Herewith]**

29 Action Filed: March 17, 2017
30 Courtroom: 9B

31 Pursuant to concurrently submitted Stipulation by and between all the parties
32 through their counsel of record, and **FOR GOOD CAUSE SHOWN**, it is hereby
33 **ORDERED** that:

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- 3 1. That the above-captioned action be hereby voluntarily dismissed, in its
- 4 entirety, pursuant to FRCP 41(a)(1)(A)(ii):
- 5 a. **With prejudice** only as to Plaintiff Ofelia Mendez' individual
- 6 claims; and
- 7 b. **Without prejudice** only as to the class and representative claims.
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- 9 2. Each party shall bear their own attorneys' fees and costs.
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13 **IT IS SO ORDERED.**

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15 DATED: October 20, 2017

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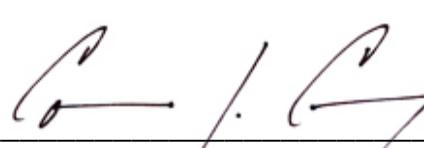
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The Honorable Cormac J. Carney
United States District Judge

1 **PROOF OF SERVICE**

2 *Ofelia Mendez vs. ABM Onsite Services West, Inc.*

3 United States District Court-Central; Case No. SACV17-00939 CJC (DFMx)

4 [Removed from Orange County Superior Court, Case No. 30-2017-00906556-CU-OE-CXC]

5 **STATE OF CALIFORNIA, COUNTY OF ORANGE**

6 At the time of service, I was over 18 years of age and **not a party to this**
7 **action.** I am employed in the County of Orange, State of California. My business
8 address is 4 Park Plaza, Suite 1100, Irvine, CA 92614.

9 On October 20, 2017, I served true copies of the following document(s)
10 described as **[PROPOSED] ORDER TO DISMISS WITH PREJUDICE AS TO**
PLAINTIFF'S INDIVIDUAL CLAIMS, AND WITHOUT PREJUDICE AS
TO NON-CERTIFIED CLASS CLAIMS, PURSUANT TO FEDERAL RULE
OF CIVIL PROCEDURE 41(A)(1)(A)(II) on the interested parties in this action
11 as follows:

12 James R. Hawkins, Esq.
13 Isandra Fernandez, Esq.
14 JAMES HAWKINS APLC
15 9880 Research Drive, Suite 200
16 Irvine, California 92618
17 Telephone: (949) 387-7200
18 Facsimile: (949) 387-6676

19 Attorneys for Plaintiff
20 OFELIA MENDEZ

21 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed
22 the document(s) with the Clerk of the Court by using the CM/ECF system.
23 Participants in the case who are registered CM/ECF users will be served by the
24 CM/ECF system. Participants in the case who are not registered CM/ECF users will
25 be served by mail or by other means permitted by the court rules.

26 I declare under penalty of perjury under the laws of the United States of
27 America that the foregoing is true and correct and that I am employed in the office
28 of a member of the bar of this Court at whose direction the service was made.

29 Executed on October 20, 2017, at Irvine, California.

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33 Angelina M. Rangel